

**DURHAM, NORTH CAROLINA
MONDAY, OCTOBER 16, 2000
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Tennyson called the meeting to order and at that time, the following announcements were made.

Council Member McKissick made comments about the Neighborhood Summit.

Council Member Langley stated the M/WBE Council Subcommittee will meet on Thursday, October 19, 2000 at 2:00 p.m.

Council Member McKissick thanked the Campaign for Decent Housing for sponsoring an event this past weekend.

Mayor Pro Tempore Clement acknowledged representatives from PAC 4 -- Chair Harold Chestnut and Ms. Barbara Lofton who thanked and presented a letter and plaque to Capt. B. J. Council and her staff for their work in the community.

Mayor Pro Tempore Clement requested that an item be added to the agenda regarding the University and Community College bond referendum.

MOTION by Council Member McKissick seconded by Council Member Wagstaff to add an item to the agenda to express the Durham City Council's support for the \$3.1 billion University and Community College bond referendum on November 7, 2000 was approved at 7:09 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Council Member Blyth. Absent: None.

Mayor Tennyson asked for priority items.

City Manager P. Lamont Ewell noted there would be disclosures relative to Consent Item #2 [GENERAL OBLIGATION HOUSING BONDS SERIES 2000 (TAXABLE)] and Consent Item #4 [FISCAL YEAR 2000-2001 CAPITAL PROJECT ORDINANCE AMENDMENTS].

Also, he recognized Greg Bethea for an update on the Weaver Street Center. Mr. Bethea gave an overview noting the Center

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would be closing October 23 - December 18, 2000 for repairs. Also, he noted the Weaver Street's After School, Teen and Senior Citizens programs will be at the W. D. Hill Center and bus transportation will be provided.

There were no priority items from the City Attorney and City Clerk.

Mayor Tennyson noted revisions to the Consent Agenda made at the Committee-of-the-Whole Meeting. Mayor Tennyson asked if any citizen(s) or council member(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting.

[NO ITEMS WERE PULLED FROM THE CONSENT AGENDA]

Relative to Consent Item #17 [VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR TO JULY 1, 2000], Council Member Hill disclosed his involvement with the Sherron Road property and the Farrington Road Development. He stated he does not have any financial interest in these projects.

Marshall Spears, representing the C. M. Herndon Foundation, commented on Consent Item #19 [ACCEPTANCE OF DONATION, RENAMING OF PARK AND ADOPTION OF GRANT PROJECT ORDINANCE]. He stated they voted to go to \$150,000.00 this year rather than \$125,000.00.

Nav Gill, Finance Director, outlined changes to the resolution relative to Consent Item #2 -- GENERAL OBLIGATION HOUSING BONDS SERIES 2000 (TAXABLE). He indicated if additional changes are needed to it, he would request a Special City Council Meeting for Thursday, October 26 prior to the Finance Committee Meeting.

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the Consent Agenda as amended was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

At this time during the meeting, Ruffin Hall, of the Budget Office, made comments about Consent Item #4 -- FISCAL YEAR 2000-2001 CAPITAL PROJECT ORDINANCE AMENDMENTS -- disclosing there is a substitute page for Ordinance #12010.

[CONSENT AGENDA]

SUBJECT: RALEIGH-DURHAM AIRPORT AUTHORITY REPORT

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a status report from the Raleigh-Durham Airport Authority providing information on air service, passenger traffic, customer initiatives, organizational issues, growth, construction and facilities was approved at 7:16 p.m.

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by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: GENERAL OBLIGATION HOUSING BONDS SERIES 2000
(TAXABLE)**

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution Providing for the Issuance of \$8,000,000 General Obligation Housing Bonds, Series 2000" was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Note: Nav Gill, Finance Director, noted if additional changes were needed to the above item, he would request a Special City Council Meeting for Thursday, October 26 prior to the Finance Committee Meeting.

SUBJECT: FISCAL YEAR 2000 AUDIT CONTRACT AMENDMENT - CHERRY, BEKAERT AND HOLLAND, L.L.P.

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the Mayor to execute an "Addendum to Contract between Cherry, Bekaert and Holland, L.L.P. and City of Durham" to increase the contract by \$10,000 (\$2,500 per each single audit program after nine major programs) for audit services to the City of Durham for the fiscal year ending June 30, 2000 was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: FISCAL YEAR 2000-2001 CAPITAL PROJECT ORDINANCE AMENDMENTS - SCOTT KING ROAD PARK

MOTION by Council Member Larson seconded by Council Member Jacobs to find that Scott King Road Park is 100% necessitated by new construction and that up to 50% of the capital costs of that project may be paid by impact fees collected within the same service zone and collected for the same purpose; and

To adopt "An Ordinance Amending General Capital Improvement Project Ordinance, As Amended, the Same Being Ordinance #12010"; and

To adopt "An Ordinance Amending Water and Wastewater Capital Improvement Project Ordinance, the Same Being Ordinance #12000"

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was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12083

Ordinance #12084

SUBJECT: AMENDMENT TO THE DURHAM HOSIERY MILL LIMITED PARTNERSHIP, INC. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SUBRECIPIENT AGREEMENT AND PRELIMINARY APPROVAL FOR THE CONSTRUCTION OF A FENCE AROUND THE DEMOLISHED PORTION OF THE DURHAM HOSIERY MILL

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute an Amendment to the Durham Hosiery Mill Limited Partnership, Inc. CDBG Subrecipient Agreement to increase the maximum amount of funding from \$100,000 to \$170,000 to cover cost overruns for the Durham Hosiery Mill asbestos removal/demolition project; and

To preliminarily approve the expenditure of up to \$20,000 in CDBG funds for the construction of a fence around the demolished portion of the Durham Hosiery Mill was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SETTING PUBLIC HEARING - PROPOSED INTERIM TAXICAB SURCHARGE INCREASE

MOTION by Council Member Larson seconded by Council Member Jacobs to set a public hearing on Monday, November 6, 2000 to receive citizens' comments on an additional proposed interim taxicab surcharge of \$1.00 per trip was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: ANNUAL CITY COUNCIL RETREAT - JANUARY 19 - 20, 2001

MOTION by Council Member Larson seconded by Council Member Jacobs to set the dates of January 19 and 20, 2001 for the Annual City Council Retreat [location to be designated] was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

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SUBJECT: SITE PLAN APPROVAL - LINCOLN PARK WEST - BUILDING 107/108

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Lincoln Park West - Building 107/108, submitted by Kimley-Horn and Associates, Inc., consisting of two buildings totalling 81,600 square feet, proposed on 13.24 acres, zoned I-2 and located north of T.W. Alexander Drive and east of Miami Boulevard (Tax Map #577A-01-23; PIN #7049-04-72-3002) was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SITE PLAN APPROVAL - LITESPEC OPTICAL FIBER LLC-- POSTDRAW & PHASE IV EXPANSION

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Litespec Optical Fiber LLC-- Postdraw & Phase IV Expansion, submitted by Coulter Jewell Thames, PA, on behalf of Litespec Optical Fiber, LLC, consisting of a 72,000 square foot office, manufacturing and warehouse complex, including addition of 71 parking spaces on a ±119.28 site zoned I-2, RAD and MTC and located on the northwest corner of the intersection of T.W. Alexander Drive and I-40, extending to Alston Avenue (Tax Map #545-1-9, 10, 11 and PIN #0738-01-45-3568, #0738-02-55-7600 and 0738-03-44-5487) was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: PROPOSED AMENDMENT TO THE ZONING ORDINANCE CONCERNING REVISED STANDARDS FOR THE INSTALLATION OF IMPROVEMENTS FOR CERTAIN SITE PLANS

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Planning staff regarding a proposed amendment to the Zoning Ordinance to revise standards for the installation of improvements for certain site plans; and

To refer the proposed amendment to the Joint City-County Planning Committee [JCCPC] for consideration at a future meeting was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: ADDITIONS TO EXISTING STREET CONTRACT ST-208 -

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RIFENBURG CONSTRUCTION

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute an amendment to existing Street Contract ST-208 with Rifenburg Construction for the addition of 20 speed humps; and

To authorize the expenditure of up to \$40,000 from the Traffic Calming Account was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: ASSESSMENT ROLL CORRECTION - SAUNDRA L. BULLOCK - 2309 ELLINGTON STREET

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution for the Correction of an Error on the Assessment Roll for Water and Sewer Laterals on Ellington Street from Catalpa Drive East to Rochester Street as Previously Confirmed on May 15, 2000"--property of Sandra L. Bullock, 2309 Ellington Street was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH ANGIER DEVELOPMENT, LLC - ANGIER AVENUE SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Angier Development, LLC for the extension of City water and sewer to serve Angier Avenue Subdivision, an 8± acre, 32 lot single family development located on the south side of Angier Avenue was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH TRIAD HOMES, INC. - VILLAGE CREEK

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Triad Homes, Inc. for the extension of City water and sewer to serve Village Creek, a 708± acre multifamily, office and commercial development located at the northeast corner of US 70 and Sherron Road was approved at

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7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT - LODGE AMERICA, LLC - THE BATTERY AT SOUTHPOINT

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Lodge America, LLC for the extension of City water and sewer to serve The Battery at Southpoint, an 8.76 acre commercial site located on the southwest corner of the intersection of NC 751 and I-40 was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH CENTEX HOMES CORPORATION - FARRINGTON ROAD SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Centex Homes Corporation for the extension of City water and sewer to serve Farrington Road Subdivision, a 39± acre, 113 single family lot development located at the southeast corner of Farrington Road and Trenton Road was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR TO JULY 1, 2000 - THE BATTERY AT SOUTHPOINT (2001-03) - ANGIER AVENUE DEVELOPMENT (2001-04) - TRIAD ANNEXATION/SHERRON ROAD (2001-05) - FARRINGTON ROAD DEVELOPMENT (2001-06)

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Administration on the following voluntary annexation petitions:

The Battery at Southpoint (2001-03)
Angier Avenue Development (2001-04)
Triad Annexation/Sherron Road (2001-05)
Farrington Road Development (2001-06)

To accept the City Clerk's certification of 100% ownership as required by N.C. General Statutes 160A-58 and 160A-31 for each

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petition; and

To adopt resolutions scheduling public hearings for Monday, November 6, 2000 on the following voluntary annexation petitions: The Battery at Southpoint, Angier Avenue Development, Triad Annexation/Sherron Road, and Farrington Road Development was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Resolution #8704

Resolution #8705

Resolution #8706

Resolution #8707

SUBJECT: VACANT/ABANDONED STRUCTURE DATABASE AND ARIZONA'S RENTAL REGISTRATION REGULATORY PROGRAM

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Administration on creating and maintaining a database of vacant/abandoned structures within the City limits of Durham; and

To receive a report from the City Attorney's Office on Arizona's Rental Registration Regulatory Program was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: ACCEPTANCE OF DONATION, RE-NAMING OF PARK AND ADOPTION OF GRANT PROJECT ORDINANCE - C. M. HERNDON FOUNDATION - SCOTT KING ROAD PARK

MOTION by Council Member Larson seconded by Council Member Jacobs to accept a donation of \$125,000 a year for four years from the C. M. Herndon Foundation; and

To adopt a "Grant Project Ordinance C. M. Herndon Foundation Donation to the City of Durham for the Construction of a Park on Scott King Road"; and

To approve the re-naming of Scott King Road Park to a title that includes "C. M. Herndon"; and

To authorize the City Manager to enter into an agreement with the C. M. Herndon Foundation that is consistent with Council's acceptance of this donation and its terms; and

To express City Council's sincere appreciation for this donation [City Manager to send a letter, on behalf of the City Council,

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to the Herndon Family] was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12085

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - DEVON ROAD

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing a speed limit of 25 mph on Devon Road from Hope Valley Road to Windsor Way was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12086

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - IVY STREET

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing a speed limit of 25 mph on Ivy Street from Hibiscus Street to Evergreen Street was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12088

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - MERRICK STREET

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing a speed limit of 25 mph on Merrick Street from Linwood Avenue to Grant Street was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12087

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - RIDGEWAY AVENUE

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing a speed limit of 25 mph

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on Ridgeway Avenue from Lawson Street to Mathison Street was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12089

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - RUBY STREET

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing a speed limit of 25 mph on Ruby Street from Duke Street to Northgate Street was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12090

SUBJECT: PARKING - JACKSON STREET

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance to repeal that portion of Ordinance #10418, adopted March 20, 1995 which established event parking on Jackson Street in the area between Vickers Avenue and Carr Street; and

To adopt an ordinance to prohibit parking on the north side of Jackson Street, in the area beginning at the east curb line of Ashton Place, if extended, and extending a distance of 190 feet eastwardly; and

To adopt an ordinance to authorize event parking at the following locations was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- 1) on the north side of Jackson Street from William Vickers Avenue to the west curb line of Ashton Place;
- 2) on the north side of Jackson Street, in the area beginning 190 feet east of the east curb line of Ashton Place, if extended, and extending to Carr Street; and
- 3) on the south side of Jackson Street from William Vickers Avenue to Carr Street.

Ordinance #12091

Ordinance #12092

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Ordinance #12093

SUBJECT: SEWER MAIN - ALSTON AVENUE FROM CARPENTER FLETCHER ROAD TO SOUTH PROPERTY LINE OF TAX MAP 547-1-3B - SETTING PUBLIC HEARING FOR CONFIRMATION OF ASSESSMENT ROLL

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution setting a public hearing on Monday, November 6, 2000 for confirmation of the Assessment Roll for sewer main on Alston Avenue from Carpenter Fletcher Road to South Property Line of Tax Map 547-1-3B was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA]

[GBA Item #1 -- Cable Television Franchise -- was removed from the Public Hearing Section of the agenda.]

SUBJECT: CABLE TELEVISION FRANCHISE - TIME WARNER INC.

Mayor Tennyson stated the public hearing will be delayed one cycle because of an advertising question; however, the Mayor stated comments will be received from citizens this evening.

City Manager Ewell made comments about a letter he sent to Time Warner today.

Rev. James Vaughan, of the Cable TV Advisory Board, urged the City to extend the current franchise for six months as proposed. He also noted a proposal for the Television Advisory Board would be forthcoming.

Mayor Pro Tempore Clement asked that the upcoming public hearing for this item on November 6 be advertised profusely.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Larson to set a public hearing on Monday November 6, 2000: 1) to receive citizens' comments concerning the extension of the current cable television franchise with Time Warner Inc. granted by Ordinance #9172 and 2) to consider adopting "An Ordinance Extending the Cable Television Franchise Granted by Ordinance Number 9172" was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

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[PUBLIC HEARINGS]

**SUBJECT: SEWER MAIN - MELROSE AVENUE FROM EAST PROPERTY LINE
OF TAX MAP #623-3-2 WEST TO EXISTING OUTFALL**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for sewer main on Melrose Avenue from east property line of Tax Map #623-3-2 west to existing outfall was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: WATER MAIN - DEBRA DRIVE FROM NORTH PROPERTY LINE OF
TAX MAP #718-3-8 TO CARPENTER ROAD**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for water main on Debra Drive from north property line of Tax Map #718-3-8 to Carpenter Road was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: WATER MAIN - RANDOLPH ROAD FROM PICKETT ROAD TO HAVEN
DRIVE; HAVEN DRIVE FROM RANDOLPH ROAD TO CAMBRIDGE
ROAD; AND CAMBRIDGE ROAD FROM HAVEN DRIVE TO PICKETT
ROAD**

Due to objections, Lee Murphy, of the Public Works Department, requested the public hearing be continued without further advertising and that the Kirkland and Marshall properties be referred to the Public Works Committee.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

MOTION by Council Member Blyth seconded by Council Member Langley to adopt a resolution confirming the assessment roll for water main on Randolph Road from Pickett Road to Haven Drive;

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Haven Drive from Randolph Road to Cambridge Road; and Cambridge Road from Haven Drive to Pickett Road and to continue the public hearing without further advertising and to refer the Kirkland and Marshall properties to the Public Works Committee was approved at 7:29 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SEWER MAIN - RANDOLPH ROAD FROM PICKETT ROAD TO HAVEN DRIVE; HAVEN DRIVE FROM RANDOLPH ROAD TO CAMBRIDGE ROAD; AND CAMBRIDGE ROAD FROM HAVEN DRIVE TO PICKETT ROAD

Due to objections, Lee Murphy, of the Public Works Department, requested the public hearing be continued without further advertising and to refer the properties of Kirkland and Marshall to the Public Works Committee.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

MOTION by Council Member Larson seconded by Council Member Blyth to adopt a resolution confirming the assessment roll for sewer main on Randolph Road from Pickett Road to Haven Drive; Haven Drive from Randolph Road to Cambridge Road; and Cambridge Road from Haven Drive to Pickett Road and to continue the public hearing without further advertising and to refer the Kirkland and Marshall properties to the Public Works Committee was approved at 7:29 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SEWER MAIN - ROWENA AVENUE FROM NORTH PROPERTY LINE OF TAX MAP 370-2-2 TO NORTH PROPERTY LINE OF TAX MAP 367-3-3 - ENABLING ACT AUTHORITY

[THIS ITEM WAS CONTINUED FROM THE OCTOBER 2, 2000 CITY COUNCIL MEETING]

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution ordering sewer main improvements on Rowena Avenue from the north property line of Tax Map 370-2-2 to the north property line of Tax Map 367-3-3 under the Enabling Act Authority was approved at 7:30 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and

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Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: SEWER MAIN - ONELUSKA DRIVE FROM SHOCOREE DRIVE TO
END OF 60 FOOT RIGHT OF WAY - ENABLING ACT AUTHORITY**

To adopt a resolution ordering sewer main on Oneluska Drive from Shocoree Drive to end of 60 foot right of way under the Enabling Act Authority.

Due to an objection, Mr. Lee Murphy, of the Public Works Department, requested the public hearing be continued without further advertising and refer entire improvement to the Public Works Committee.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

MOTION by Council Member Larson seconded by Council Member Stith to continue the public hearing without further advertising and to refer this item to the Public Works Committee was approved at 7:31 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: ZONING CASE: P00-50 - HAYTI DEVELOPMENT CORPORATION
- 0.58 ACRES AT 911 EAST MAIN STREET AND 908-912
MORNING GLORY AVENUE**

Applicant: Hayti Development Corporation

Location: 0.58 acres at 911 East Main Street and 908-912 Morning Glory Avenue

Request: Rezoning from CT (Commercial Trades District) to NC (Neighborhood Commercial District)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of CT and placing same in and establishing same as NC.

Zoning Committee's Recommendation and Vote: Approval (7-0)

Planning Department's Recommendation: Approval

Norman Standerfer, City/County Planning Director, briefed Council on the staff report noting the rezoning request is consistent with the East Durham and 2020 Plans.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

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Proponents

Dr. Beverly Rose, Chair of Hayti Development Corporation Board, spoke in support of the rezoning noting it will allow us to go forward with the plans for revitalizing the 900 block of E. Main Street for stand alone retail shops, i.e., grocery store, offices and other facilities. She asked Council to consider having this property changed to neighborhood commercial.

Brigitte Rasberry, of Hayti Development Corporation, spoke in support of the request noting the area is currently blighted. She urged Council to approve the rezoning from commercial trades to neighborhood commercial.

No one spoke in opposition to the rezoning request.

Mayor Tennyson declared the public hearing closed.

A motion was made by Mayor Pro Tempore Clement seconded by Council Member Larson to approve the item as printed on the agenda.

Council Member Wagstaff spoke in opposition to the rezoning request noting there is no real plan of what is being proposed and there is a pattern and history of failed projects with Hayti.

Also, she asked Hayti to outline any project they have been working on for a number of years that is sustainable right now.

William Edwards, of Hayti, gave the history of the Corporation noting they developed a coin-operated laundry facility.

Council Member Hill asked Hayti how long they had been working on the project in the 900 block.

William Edwards, of Hayti, replied for a year and a half and noted they did not have the proper funding in order to buy the property until January.

Council Member Hill requested Hayti to provide a report of other projects they have been involved in.

Council Member McKissick expressed concern noting there is no development plan for this project tonight and asked what makes this application and location not subject to the normal requirement of a development plan.

Dick Hails, of the City/County Planning Department, briefed Council on the four zones that require a development plan.

Council Member McKissick stated he would like to see the Council defer consideration tonight to allow the applicant to come back with a development plan.

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Council Member Stith spoke in support of the request noting that we have an organization that is attempting to do something in a very blighted area.

Council Member Burnette spoke in support of the rezoning.

Attorney Henry Blinder reminded Council that in looking at this type of rezoning, it is appropriate to be considering all the uses in the zone.

The following members of Council spoke in support of the rezoning: Mayor Pro Tempore Clement and Council Members Larson, Jacobs and Cheek.

Council Member Blyth asked staff to recap what happened with the Goodwill situation.

Dick Hails, of the City/County Planning Department, noted that the owner of the property backed out of the deal after the rezoning was approved so the property was no longer available for the grocery store as originally envisioned.

Council Member Blyth asked if the option of the agreement locked Hayti's control of that property.

Brigitte Rasberry, of Hayti, noted that due to the discovery of an underground storage tank on the property, Goodwill felt that it was in their best interest not to sell and backed out of the deal.

A substitute motion was made by Council Member Blyth seconded by Council Member McKissick to hold this item for two cycles and asked staff to work with Hayti to come back with a development plan or specific information about the use.

City Attorney Henry Blinder advised Council to be considering the appropriateness of the land use.

Council held discussion on setbacks, Hayti's history of completed projects, development plan, land uses, community needs and parking.

SUBSTITUTE MOTION by Council Member Blyth seconded by Council Member McKissick to continue this item until the November 20, 2000 City Council Meeting without further advertising **FAILED** at 8:33 p.m. by the following vote: Ayes: Council Members Blyth, Hill, McKissick and Wagstaff. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Jacobs, Langley, Larson and Stith. Absent: None.

MOTION Mayor Pro Tempore Clement seconded by Council Member Larson to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the

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above described property out of CT and placing same in and establishing same as NC was approved at 8:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick and Stith. Noes: Council Members Blyth and Wagstaff. Absent: None.

City Manager P. Lamont Ewell noted he would work with Hayti and come back within the next 30 days or so with an overview of what their plans are.

SUBJECT: ZONING CASE: P00-52 - DAVID AND THOMAS BEISCHER - .7 ACRES NEAR THE INTERSECTION OF CROASDAILE FARM PARKWAY AND MILLSPRING DRIVE (TAX MAP 750, BLOCK 1, LOT IU)

Applicant: David and Thomas Beischer

Location: .7 acres near the intersection of Croasdaile Farm Parkway and Millspring Drive (Tax Map 750, Block 1, Lot IU)

Request: Rezoning from PDR-2 (Planned Density Residential District); E-B to O&I-2 (General Office and Institutional District); E-B

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above describer property out of PDR-2; E-B and placing same in and establishing same as O&I-2; E-B.

Zoning Committee's Recommendation and Vote: Approval (7-0)

Planning Department's Recommendation: Approval

Norman Standerfer, City/County Planning Director, briefed Council on the staff report.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponent

George D. Beishcher, representing the applicant, spoke in support of this item.

No one spoke in opposition to the rezoning request.

Mayor Tennyson declared the public hearing closed.

MOTION by Council Member Larson seconded by Council Member Stith to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above describer property out of PDR-2; E-B and placing same in and establishing same as O&I-2; E-B was approved at 8:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards,

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Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff.
Noes: None. Absent: None.

**SUBJECT: ZONING CASE: P00-53 - ESTATES PROPERTIES, LLC -47.13
ACRE SITE ON THE EAST SIDE OF BARBEE ROAD, ON THE
NORTH SIDE OF I-40**

Applicant: Estates Properties, LLC

Location: 47.13-acre site on the east side of Barbee Road, on the north side of I-40

Request: Rezoning from PDR 5.94 (Planned Density Residential District); F/J-B and MTC to PDR 5.94; F/J-B and MTC--Change in Development Plan

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of PDR-5.94; F/J-B and MTC and placing same in and establishing same as PDR-5.94; F/J-B and MTC--**Change in Development Plan.**

Zoning Committee's Recommendation and Vote: Approval (7-0)

Planning Department's Recommendation: Approval

Norman Standerfer, City/County Planning Director, briefed Council on the rezoning noting that there is a change in the development plan.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponent

Al Williford, representing the applicant, noted this is a rezoning of an existing development plan to revise a note on the transportation requirements to bring it in conformance with the TIA. Also, he stated they will be relocating one building to eliminate a stream crossing and urged council to approve the request.

No one spoke in opposition to the rezoning.

Mayor Tennyson declared the public hearing closed.

Council Member McKissick asked staff about the improvements that were a part of the original rezoning application approved by Council.

Shelia Stains-Ramp, of the City/County Planning Department, replied by reading the following statement for the record: The developer initially proposed to construct a northbound through lane at NC 55 and Meridian Parkway, and the developer now proposes not to do so. The rational nexus test was mistakenly

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referred to in earlier discussion with Council at PW. That test is applicable only when the city has required an improvement not offered by the developer in their rezoning. In this case, the improvement was offered by the developer as part of the development plan, not as a city-imposed requirement later on in the development process. The zoning request presented by the developer originally reflected the City staff's opinion that the street improvement was necessary to adequately serve the development, but staff has since revised its opinion. Therefore, although it might be desirable, AND IN THE PUBLIC INTEREST AND WELFARE for the developer to construct the improvement, staff recommends that the improvement be deleted from the plan.

Council Member McKissick asked staff about the cost that would be involved.

Earl Lewellyn, of the Transportation Division, noted the rough estimates of the improvement [northbound through lane on NC 55 at Meridian Parkway] would be \$250,000 to \$300,000.

Discussion was held on the rational nexus issue.

Council Member Blyth expressed concern about revisiting an approved plan and deleting a traffic improvement would be setting precedence for developers.

City Attorney Henry Blinder noted each situation should be looked at on its own merit.

Norman Standerfer, City/County Planning Director, stated for clarification the City led them to believe as a part of the TIA this was a requirement and on reflection it was not.

Earl Lewellyn, of the Transportation Division, noted that it was a Transportation staff error.

MOTION by Council Member Larson seconded by Mayor Pro Tempore to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of PDR-5.94; F/J-B and MTC and placing same in and establishing same as PDR-5.94; F/J-B and MTC--Change in Development Plan--was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, Stith and Wagstaff. Noes: Council Member McKissick. Absent: None.

**SUBJECT: ZONING CASE: P00-68 - CITY OF DURHAM - CALBAR/DEALERS
SUPPLY - 19.629 ACRES SOUTH OF RIDDLE ROAD AND DURHAM
& SOUTHERN RAILROAD AT BRIGGS AVENUE (TAX MAP #406-1-
3, 3C AND #566-3-24A**

Initiated by: City of Durham

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(Applicant: Calbar/Dealers Supply)

Location: 19.629 acres south of Riddle Road and Durham & Southern Railroad at Briggs Avenue (Tax Map #406-1-3, 3C and #566-3-24A)

Request: Rezoning from I-2(D) to I-2(D)--Change in Development Plan

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of I-2(D) and placing same in and establishing same as I-2(D)--**Change in Development Plan.**

Zoning Committee's Recommendation and Vote: N/A

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponent

Attorney Richard Hutson, representing the applicant and owner of Dealers Supply Company, asked Council to defer this matter for two weeks. He noted the proponents were not present and unaware of the Zoning Committee Meeting last Tuesday and would like an opportunity to meet with Mr. & Mrs. Langford.

Opponents

B. W. Langford, of 2508 Riddle Road, spoke in opposition to the rezoning noting that his property is so close to the driveway that is going in. He also expressed traffic, dusk and noise concerns.

Jackie Brown, Chair of the Durham Planning Commission and Zoning Committee, spoke in opposition to the rezoning request noting that proper notification was given and no one was present on behalf of the applicant to speak at the Zoning Committee Meeting. Also, she expressed concern with the 40 feet landscape buffer, Riddle Road extension and noise from 18 wheelers.

Council Member Blyth noted that she would not support the applicant's request for a two-week deferral.

Council Member Cheek asked staff where we stand with the railroad relative to the Briggs Avenue Extension.

Katie Kalb, Public Works Director, made comments about a meeting that was held with a CSX representative, NCDOT railroad representative, and the applicant. She also noted a letter was sent from CSX putting stipulations on the applicant to build Briggs Avenue and the only alternative they left us with is to close three at-grade crossings.

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Council Member Cheek noted that he would like to have a representative from the railroad to speak about the Briggs Avenue Extension.

Council Member McKissick expressed concern about the temporary access.

Council Member Hill disclosed that two individuals in his office work for Dealers Supply and he has no financial interest in this particular project.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to continue the public hearing without further advertising until the November 6, 2000 City Council Meeting was approved at 9:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Council Member Blyth. Absent: None.

[OTHER MATTERS]

SUBJECT: PROCUREMENT OF A RESCUE VEHICLE FOR THE POLICE DEPARTMENT - NORTH CAROLINA DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY'S LAW ENFORCEMENT SUPPORT SERVICES DIVISION

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the acceptance by the Police Department of a rescue vehicle through the North Carolina Department of Crime Control and Public Safety's Law Enforcement Support Services Division; and

To authorize the use of Federal Asset Forfeiture Funds in an amount not to exceed \$9,000 for shipment and refurbishment of this rescue vehicle was approved at 9:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick and Stith. Noes: Council Members Burnette and Wagstaff. Absent: None.

[SUPPLEMENTAL AGENDA]

SUBJECT: ABC PERMIT - EL TORO CLUB - 608 S. HOOVER ROAD

MOTION by Council Member Larson seconded by Council Member Stith to request the City Manager to continue to monitor the El Toro Club at 608 S. Hoover Road for collection of additional data regarding possible ABC violations prior to sending a letter to the ABC Commission requesting revocation of the ABC Permit was approved at 9:14 p.m. by the following vote: Ayes: Mayor

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Tennyson and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff.
Noes: Mayor Pro Tempore Clement. Absent: None.

[ITEM ADDED TO THE AGENDA]

**SUBJECT: UNIVERSITY AND COMMUNITY COLLEGE BOND REFERENDUM -
NOVEMBER 7, 2000**

Council Member Cheek informed his colleagues that he represents Durham Technical Community College.

MOTION by Council Member Larson seconded by Council Member Jacobs to express the Durham City Council's support for the \$3.1 billion University and Community College bond referendum on November 7, 2000 was approved at 9:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

There being no further business to come before the City Council, the meeting was adjourned at 9:15 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk